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Craig A. Slavin

PATENT

Applicant: Jenkins

Serial No.: 09/709,087

Filing Date: November 10, 2000

Title: Steerable Loop Structures For Supporting Diagnostic And Therapeutic Elements In Contact With Body Tissue

Group Art Unit: 3763

Examiner: Robinson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

RESPONSE TO THE ELECTION OF SPECIES REQUIREMENT

DATED JANUARY 7, 2003

Sir:

In response to the Election of Species Requirement under 35 U.S.C. § 121 dated January 7, 2003, time for response to which has been extended by the enclosed petition to March 7, 2003, applicant provisionally elects the species illustrated in Figures 1-7 without traverse. At a minimum, claims 1-10 and 21-30 are directed to the elected species, claims 21-30 are generic to the species illustrated in Figures 1-9 and claims 21-29 are generic to the species illustrated in Figures 1-10.

Applicant respectfully notes that the Office Action appears to have confused an election of species requirement with a restriction requirement. More specifically, the Office Action does not refer to Figure numbers when setting forth the species of invention from which the election is to be made. Instead, the Office Action refers to "Group I," "Group II" and "Group III" and to "a control element," "a connector element" and "a loop structure" in an apparent reference to independent *claims* 1, 11 and 21. [Office Action at page 2.] "Claims are definitions of inventions. *Claims are never species ... Species are always the specific embodiments.*" [MPEP § 806.04(e), emphasis in the original.] The grouping of claims, on the other hand, is typically associated with a restriction requirement.

Nevertheless, because the Office Action made reference to an election of species, applicant has elected the species illustrated in Figures 1-7 and has designated the claims as corresponding to the species illustrated in Figures 1-7, or as being generic to two or more of the disclosed species, where appropriate.

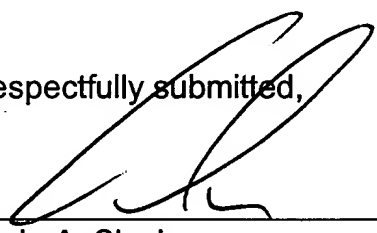
Early and favorable consideration of the application are respectfully requested. Allowance of the claims at an early date is courteously solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

2/14/03
Date

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Respectfully submitted,



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